

TTAB

Katten

KattenMuchinRosenman LLP

525 W. Monroe Street
Chicago, IL 60661-3693
312.902.5200 tel
312.902.1061 fax

Becky A. Williams
(312) 902-5665 Direct
(312) 577-4741 Fax
becky.williams@kattenlaw.com

November 20, 2007

VIA U.S. EXPRESS MAIL

TTAB – NO FEE
Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

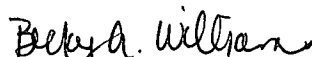
Re: Opposition No. 91150160
Serial No.: 76/079,893
Mark: ADEPTIA

Dear Sir:

Enclosed please find a Consented Request for Post Publication Amendment filed on behalf of Applicant, Adeptia Inc., for the above referenced mark. Opposer has provided its explicit consent in regard to this amendment.

If you have any questions, please feel free to contact me.

Sincerely,


Becky A. Williams

Enclosure



11-21-2007

U.S. Patent & TM Office Mail Report 01, #32

CHICAGO CHARLOTTE IRVING LONDON LOS ANGELES NEW YORK PALO ALTO WASHINGTON, DC WWW.KATTENLAW.COM

LONDON AFFILIATE: KATTEN MUCHIN ROSENMAN CORNISH LLP

A limited liability partnership including professional corporations

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 76/079,893)	
)	
Mark: ADEPTIA)	
Application Filing Date: June 17, 2000)	
Published in the Official Gazette of May 22, 2001)	
)	
ADEPTIS, INC.,)	Opposition No.
)	91150160
)	
Opposer,)	
)	
v.)	
)	
ADEPTIA INC.,)	
)	
Applicant.)	
)	

CONSENTED REQUEST FOR POST PUBLICATION AMENDMENT TO APPLICATION

Applicant, Adeptia Inc., hereby requests that the description of services contained in its application, Serial No. 76/079,893, pursuant to 37 C.F.R. §2.133(a) and TBMP §514 be amended to state the following services:

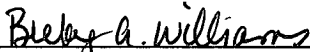
Providing business to business software design and development services for others, namely, design and development for others of software programs that facilitate the formatting, conversion and delivery of business data, in the field of data integration and business process management.

Opposer, Adeptis, Inc., has explicitly consented to this amendment through its counsel of record, as evidenced by the attached email correspondence from Rachelle Dubow dated October 31, 2007.

As this amendment merely provides greater specificity of the services claimed in the registration application, it does not broaden the description of services. Hence, this amendment should not require republication.

Respectfully submitted,

Date: November 20, 2007



Becky A. Williams, Esq.
Attorney for Applicant
Katten Muchin Rosenman LLP
525 W. Monroe Street
Suite 1900
Chicago, Illinois 60661

Williams, Becky A.

From: Dubow, Rachelle A. [rachelle.dubow@bingham.com]
Sent: Wednesday, October 31, 2007 3:33 PM
To: Williams, Becky A.
Cc: Johanson, David O.; Sullivan, Eileen M.; Kagan, Jennifer A.
Subject: Adeptis/Adeptia Opposition

Dear Becky,

We are writing to confirm receipt of the below correspondence from the U.S. Patent and Trademark Office Trademark Trial and Appeal Board concerning Adeptia Inc.'s amendment to its ADEPTIA registration application U.S. App. No. 76 /079,893). Please copy us on your next steps to remedy the amendment to the application filing so that this matter can be timely resolved. By copy of this email, we are providing you with our consent to your client's amendment of its identification of services as set forth in the executed Trademark Co-Existence Agreement, dated August 3, 2007, namely:

"providing business to business software **design and** development services for others, **namely, design and development for others of software programs that facilitate the formatting, conversion and delivery of business data, in the field of data integration and business process management,**" in International Class 42.

Please note that we cannot withdraw our client's opposition until the amendment to your client's application has been approved by PTO. We will withhold the filing of our Amendment to the identification of services in our client's registration until we hear further from you.

Thank you for your attention in connection with this matter. We look forward to hearing from you.

Best,

Rachelle

B I N G H A M
Rachelle A. Dubow | Counsel
150 Federal Street
Boston, Massachusetts 02110
T 617.951.8939 | F 617.951.8736
rachelle.dubow@bingham.com

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

From: ESTTA@uspto.gov [mailto:ESTTA@uspto.gov]
Sent: Wednesday, October 31, 2007 9:33 AM
To: Sullivan, Eileen M.

11/15/2007

Subject: TTAB Response

**UNITED STATES PATENT AND TRADEMARK
OFFICE**

**Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

MBA Mailed: October 31, 2007

Opposition No. 9115016050160

ADEPTIS, INC.

v.

ADEPTIA INC.

Michael B. Adlin, Interlocutory Attorney:

On September 24, 2007, applicant filed a proposed amendment to its application Serial No. 78079893, without opposers consent. Because the proposed amendment was filed without opposers explicit consent, consideration of the proposed amendment is deferred until after trial. Dates remain as set in the parties April 27, 2007 motion for extension.

News from the TTAB

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleCh

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or

11/15/2007

imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>

Bingham McCutchen LLP Circular 230 Notice: To ensure compliance with IRS requirements, we inform you that any U.S. federal tax advice contained in this communication is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of avoiding any federal tax penalties. Any legal advice expressed in this message is being delivered to you solely for your use in connection with the matters addressed herein and may not be relied upon by any other person or entity or used for any other purpose without our prior written consent.

CERTIFICATE OF SERVICE

I, Becky A. Williams, hereby certify that on this 20th day of November, 2007, a true copy of the foregoing Consented Request for Post Publication Amendment to Application was served on Opposer's counsel of record by depositing a true and correct copy thereof with the United States Postal Service first class mail in a sealed envelope with postage thereon fully prepaid, addressed as follows:

Rachelle A. Dubow, Esq.
Bingham McCutchen LLP
150 Federal Street
Boston, MA 02110

Date: November 20, 2007

By: Becky A. Williams
Becky A. Williams, Esq.

CERTIFICATE OF EXPRESS MAIL

"Express Mail" mailing label number: **ED834145425US**

Date of Deposit: November 20, 2007

I hereby certify that this Consented Request for Post Publication Amendment to Application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.140 on the date indicated above and is addressed to Commissioner for Trademarks, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Date: November 20, 2007

By: Becky A. Williams
Becky A. Williams, Esq.